



## **PLANNING COMMISSION AGENDA**

**Wednesday, May 16, 2007**

***6:00 p.m. STUDY SESSION***

*Sunshine Reform Task Force Recommendations*

*Room # T-332*

**6:30 p.m. Regular Meeting**

**Council Chambers**

City Hall Wing

200 East Santa Clara Street  
San Jose, California

**Xavier Campos, Chair**

**James Zito, Vice-Chair**

**Christopher Platten**  
Vacant

**Ash Kalra**

**Matt Kamkar**

**Lisa Jensen**

**Joseph Horwedel, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## **NOTICE TO THE PUBLIC**

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, May 16, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

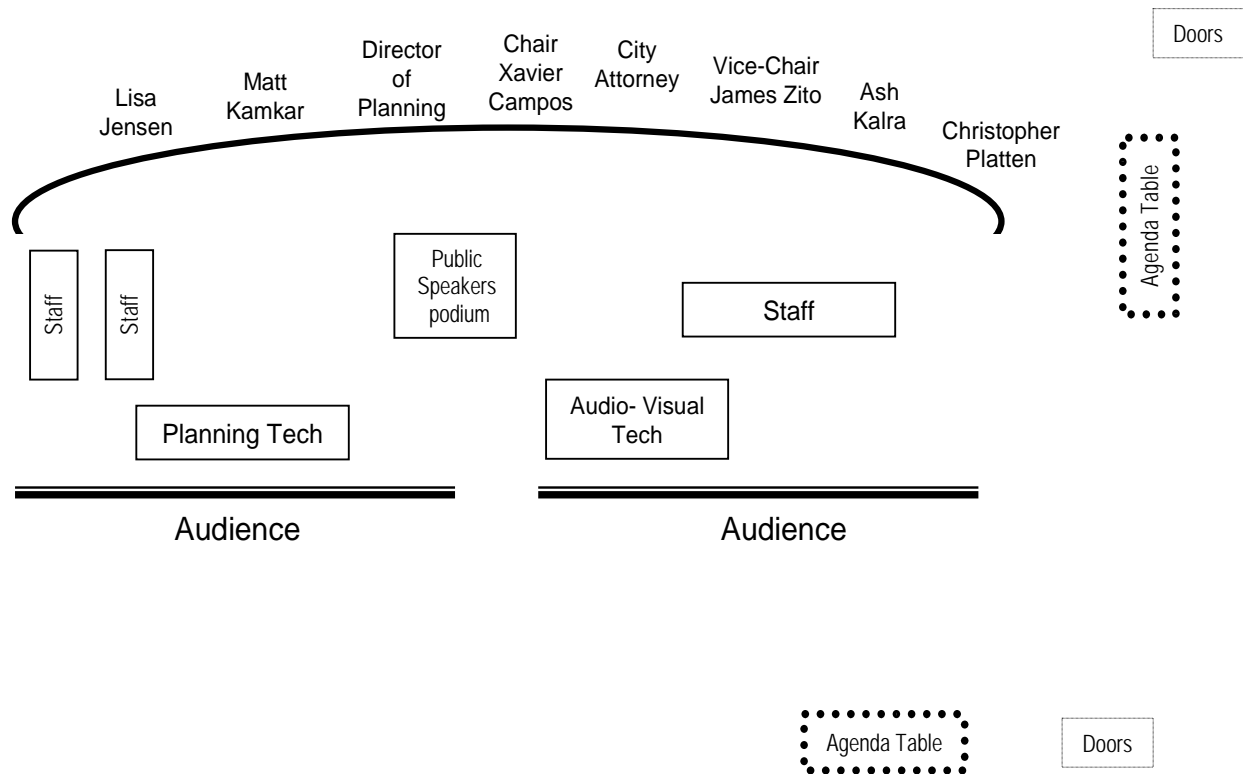
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoseca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

[http://sanjose.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date.

**TO BE HEARD BY THE PLANNING COMMISSION NO LATER THAN 11:00 P.M.**

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **CP07-014**. Wireless - Conditional Use Permit to allow renewal of wireless communications antennas on a monopole and associated ancillary equipment to operate on a 0.02 gross acre site in the HI Heavy Industrial Zoning District, located at/on Easterly side of O'Toole Avenue approximately 200 feet southerly of Rincon Circle (2170 O'TOOLE AV) (DCG Investors 1993 LP, Owner). Council District 4. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Wireless - Conditional Use Permit to allow renewal of wireless communications antennas on a monopole and associated ancillary equipment as recommended by Staff.

- b. **CP06-037**. Conditional Use Permit to allow (1) the demolition of an existing gasoline service station and the construction of a 2,945-square-foot sales building, canopy, fuel dispensers, underground fuel tanks, and (2) the off-sale of alcoholic beverages on a 0.69 gross acre site located in the CP Commercial Pedestrian Zoning District, located at the northeast corner of Santa Teresa Boulevard and Blossom Hill Road (Chevron Products Company/Owner). Council District 10. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit and Determination of Public Convenience or Necessity as recommended by Staff.

- c. **CP07-004**. Conditional Use Permit to allow an indoor recreation use in an existing industrial park building in the HI-Heavy Industrial Zoning District located at the south end of Crane Court, near the northwesterly corner of Zanker Road and US 101 (Limar Realty Corp. # 18). Council District 4. SNI: N/A. CEQA: Pending. Deferred from 5-2-07.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow an indoor recreation use in an existing industrial park building in the HI-Heavy Industrial Zoning District as recommended by Staff.

- d. **STREET VACATION** of Holger Way, between North First Street and Headquarters Drive. Council District 4. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of the subject vacation as recommended by Staff.

**The following items are considered individually.**

**4. PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC**

**Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.**

- a. **CP07-020**. Conditional Use Permit to pave a driveway from Little Orchard Street to Almaden Expressway to allow a corporation yard with outdoor storage and truck circulation resulting in noise which exceeds Zoning Ordinance standards in the LI Light Industrial Zoning District, located on the east and west sides of Little Orchard Street, approximately 150 feet northerly of San Jose Avenue, between Pomona Avenue and Almaden Expressway (1601 LITTLE ORCHARD ST). This item was opened for public testimony on April 25, 2007, and continued to May 16, 2007 (Dsw Family Part, Owner; Stucco Supply Co, Robert Amos, Developer).

Council District 7. SNI: Washington. CEQA: Mitigated Negative Declaration. Deferred from 4-11-07 and continued from 4-25-07.

**Staff Recommendation:**

Approve a Conditional Use Permit to pave a driveway from Little Orchard Street to Almaden Expressway as recommended by Staff.

- b. [CA07-001](#). Conservation Area Designation request to designate as a Conservation Area the area generally bounded on the north by Interstate 280, on the east by the property lines of the abandoned Southern Pacific Railroad alignment (approximately a continuation of South Fourth Street), on the west by the alley between South First and Second Streets, and on the south by Martha Street on an approximately 13.5 acre site (Various Owners/City of San Jose, Applicant). CEQA: Exempt. Council District 3. SNI: Spartan Keyes.

**Staff Recommendation:**

Recommend the City Council approve the designation of the subject area as the Martha Gardens Conservation Area.

- c. [PDC06-122](#). Planned Development Rezoning from CP Commercial Pedestrian Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow approximately 57 single-family attached residences and one (1) single-family detached residence and approximately 8,000 sq.ft. of commercial uses on a 4.2 gross acre site, located at the area generally bounded by Kentwood Avenue, Highway 85 and properties fronting S. De Anza Blvd (Sue Dillon % Braddock & Logan Group, Owner/Developer). Council District: 1. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from CP Commercial Pedestrian Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- d. [PDC07-001](#). Planned Development Rezoning from the R-1-8 Residential District to the A(PD) Residential District to allow 12 single-family detached residences, located on the west side of Dent Avenue approximately 500 feet north of Kooser Road (5331 Dent Ave.) (RWL Group LLC, Owner). Council District: 9. SNI: None. CEQA: Negative Declaration

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from the R-1-8 Residential District to the A(PD) Residential District as recommended by Staff.

**5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
  - Coyote Valley Specific Plan (Platten)
  - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider study session dates and/or topics

**8. ADJOURNMENT**

## 2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Coyote Valley Specific Plan EIR</i>	
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Meeting Procedures and Commission Role</i>	
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Early Public Outreach for General Plan Update</i>	
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Level of Service Policy</i>	
April 25	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i>	T-1654
		<i>Review Capital Improvement Program</i>	
May 2	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 16	6:00 p.m.	<i>Study Session</i>	T-332
		<i>Sunshine Reform Task Force Recommendations</i>	
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Economic Development/Retail Strategy</i>	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
Mon., June 11	6:30 p.m.	Regular Meeting	W-118 / 119 / 120
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	T-332
		<i>Riparian Corridor issues</i>	
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers